

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER

JONATHAN LEE RICHES, ¹)	
)	
<i>Petitioner,</i>)	No. 4:09-CV-48
v.)	<i>Mattice/Carter</i>
)	
STEPHEN DEWALT, WARDEN, ²)	
)	
<i>Respondent.</i>)	

MEMORANDUM

The Court received a *pro se* document from Jonathan Lee Riches ("Petitioner") entitled Preliminary Injunction, Temporary Restraining Order, TRO Habeas Corpus Relief under 28 U.S.C. § 2241 (Court Doc. 1). The Court previously ordered him to complete a prisoner *in forma pauperis* application or pay the full filing fee of \$5.00 within thirty days from the Court's May 14, 2009 Order (Court Doc. 2). Additionally, Petitioner was notified that non-compliance with the Court's order would result in the dismissal of the case for lack of prosecution without further notice by the Clerk of Court (Court Doc. 2).

There has been no response to the Court's Order. Accordingly, the Court finds Petitioner has failed to comply with its Order.

Rule 41(b) of the Federal Rules of Civil Procedure permits this Court to dismiss an action *sua sponte* for failure to prosecute or follow orders of the Court. This authority flows

¹ Although Petitioner identified Bernard Madoff as the Plaintiff, the Petitioner in this 2241 case is Jonathan Lee Riches.

² The proper respondent in a habeas action is the habeas petitioner's custodian. *See* 28 U.S.C. §§ 2241, 2242. Although Petitioner has identified more than seventy-five (75) defendants, the Court has substituted the proper respondent.

from the Court's inherent power to control its docket, prevent undue delays in the disposition of pending cases, and avoid congested court calendars. *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-31 (1962).

Therefore, this action will be **DISMISSED** for Riches's failure to prosecute and to comply with the Orders of this Court. Fed. R. Civ. P. 41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991).

A judgment will enter.

/s/Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE